

## Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing, Postal code: 100088

<b>Applicant</b>	MITSUBISHI MATERIALS CORPORATION			<b>Seal of Examiner</b>	<b>Date of Issue</b>
<b>Agent</b>	China Patent Agent (H.K.) Ltd.				May 19, 2006
<b>Patent Application No.</b>	03816307.1	<b>Application Date</b>	July 10, 2003	<b>Exam Dept.</b>	
<b>Title of Invention</b>	FRAME PRODUCING METHOD AND FRAME				

***First Office Action***

(PCT application entering into the national phase)

1. ☒ Under the provision of Art. 35, para. 1 of the Patent Law, the examiner has made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on\_\_\_\_\_.
- ☐ Under the provision of Art. 35, para. 2 of the Patent Law, the Chinese Patent Office has decided to conduct an examination of the captioned patent application for invention on its own initiative.
2. ☒ The applicant requests that  
the filing date Jul. 12, 2002 at the JP Patent Office be taken as the priority date of the present application,  
the filing date \_\_\_\_\_ at the \_\_\_\_\_ Patent Office be taken as the priority date of the present application,  
the filing date \_\_\_\_\_ at the \_\_\_\_\_ Patent Office be taken as the priority date of the present application.
3. ☐ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law:  
☐ the Chinese version of the annex to the international preliminary examination report.  
☐ the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty.  
☐ the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty.

☐ the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

See the text portion of this Office Action for detailed reasons why the amendment cannot be accepted.

4. ☒ Examination is conducted on the Chinese version of the initially-submitted international application.

☐ Examination is conducted on the following document(s):

☐ page \_\_\_\_\_ of the description, based on the Chinese version of the initially-submitted international application documents;

page \_\_\_\_\_ of the description, based on the Chinese version of the annex to the international preliminary examination report;

page \_\_\_\_\_ of the description, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

page \_\_\_\_\_ of the description, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ claim(s) \_\_\_\_\_, based on the Chinese version of the initially-submitted international application documents;

claim(s) \_\_\_\_\_, based on the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty;

claim(s) \_\_\_\_\_, based on the Chinese version of the annex to the international preliminary examination report;

claim(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

claim(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ Fig(s) \_\_\_\_\_, based on the Chinese version of the initially-submitted international application documents;

Fig(s) \_\_\_\_\_, based on the Chinese version of the annex to the international preliminary examination report;

Fig(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

Fig(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ The following reference document(s) is/are cited in this Office Action (its/their serial

number(s) will continue to be used in the subsequent course of examination):

Serial No.	Number or Title(s) of Document(s)	Date of Publication (or filing date of interfering application)
1	CN1285249A	Date Feb. 28, 2001
2		Date
3		Date
4		

6. Concluding comments on the examination:

☒ On the description:

- ☐ What is stated in the application comes within the scope of that no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 33 of the Patent Law.
- ☒ The drafting of description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ On the claims:

- ☐ Claim(s) \_\_\_\_\_ come(s) within the scope of that no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☒ Claim(s) 6 has/have no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ has/have no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ has/have no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provisions of Rules 20 to 23 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Rule 12, para. 1 of the Implementing Regulations.

See the text portion of this Office Action for detailed analysis of the above concluding comments.

7. Based on the above concluding comments, the examiner deems that
- ☐ the applicant should make amendment to the application document(s) according to the requirements put forward in the text portion of this Office Action.
  - ☒ the applicant should expound in his/its observations why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions pointed out in the text portion of this Office Action, otherwise, no patent right shall be granted.
  - ☐ the patent application contains no substantive content(s) for which a patent right may be granted, if the applicant has no sufficient reason(s) to state or his/its stated reason(s) is/are not sufficient, said application will be rejected.
  - ☐



8. The applicant should note the following items:

- (1) Under Art. 37 of the Patent Law, the applicant should submit his/its observations within **four** months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making written response is not met, said application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant to said application should be in conformity with the provision of Art. 33 of the Patent Law, the amended text should be in duplicate and its form should conform with the related provisions of the Guide to Examination.
- (3) If no arrangement is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to have an interview with the examiner.
- (4) The observations and/or amended text should be sent to the Receiving Section of the Chinese Patent Office by mail or by personal delivery. If not sent to the Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.**

9. This Office Action consists of the text portion totalling   1   page(s) and of the following attachment(s):
- ☒   1   copy(copies) of the reference document(s) totalling   2   page(s).



# 中华人民共和国国家知识产权局

邮政编码: 100032 北京市西城区金融街 27 号投资广场 B 座 19 层 中国专利代理(香港)有限公司 温大鹏, 胡强	发文日期 
申请号: 038163071 	
申请人: 三菱铁里亚尔株式会社	
发明创造名称: 框体的制造方法及框体	

## 第一次审查意见通知书

0444385p


(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:  
JP 专利局的申请日 2002 年 07 月 12 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。
- ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。  
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。  
☐ 国际初步审查报告附件的中文译文。  
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。  
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。  
☐
- ☒ 审查是针对原始提交的国际申请的中文译文进行的。  
☐ 审查是针对下述申请文件进行的:  
☐ 说明书 第 页, 按照原始提交的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐ 权利要求 第 项, 按照原始提交的国际申请文件的中文译文;  
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文;  
第 项, 按照国际初步审查报告附件的中文译文;  
第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐ 附图 第 页, 按照原始提交的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

京办完成

03 OCT 2006



21302 2002.8  回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)



☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号

文件号或名称

公开日期 (或抵触申请的申请日)

1

CN1285249A

2001-2-28

5. 审查的结论性意见:

☒ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书不符合专利法第 33 条的规定。

☒ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 关于权利要求书:

☒ 权利要求 6 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合专利法实施细则第 20 条的规定。

☐ 权利要求 不符合专利法实施细则第 21 条的规定。

☐ 权利要求 不符合专利法实施细则第 22 条的规定。

☐ 权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的

不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分,

其申请将被驳回。

7. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 1 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 9 页。

审查员: 高晓颖(2679)

审查部门

机械发明审查部

2006 年 4 月 20 日

21302  
2002. 8



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(注: 凡寄给审查员个人的信函不具有法律效力)

## **第一次审查意见通知书正文**

申请号：038163071

如说明书所述，本申请涉及一种框体的制造方法及框体，经审查，现提出如下审查意见。

1. 权利要求6请求保护一种由多个壁部划分成的金属制的框体，对比文件1公开了一种扇形多边框体（相当于本申请的由多个壁部划分成的金属制框体）锻件成型的方法，其中（参见全文）披露了以下技术特征：对坯料进行镦粗、冲孔，扩孔等工艺后，对其进行模锻，从而将坯料制成扇形多边框体，这种扇形多边框体可以获得最佳的纤维流线分布，使拐角处的承力性能更强，从模锻的方向可以知道，这种最佳的纤维流线分布（即结晶流动）必然是沿着框体每个边的长度方向流动的，而且是连续分布状态。由此可见，权利要求1的全部技术特征已经在对比文件1中公开，两者属于同一技术领域，都涉及一种框体，采取相同的技术方案，都是使框体内部的晶粒流动在每个边的长度方向上连续地延伸，解决的技术问题相同，预期效果相同，因此权利要求1相对于对比文件1不具备专利法第22条第2款规定的新颖性。

2. 本申请说明书中附图标记2表示的技术特征所采用的术语不一致（参见说明书第4页第14行“基台2”，其余是“基座2”），不符合实施细则第18条第3款的规定，请申请人修改。

基于上述理由，申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复，必要时应修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围。

审查员：高晓颖

代码：2679